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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,696	06/26/2001	Daniel Leonard Paulo	PN01032AA	1776
20280	7590	02/16/2006	EXAMINER	
MOTOROLA INC			ALLEN, WILLIAM J	
600 NORTH US HIGHWAY 45			ART UNIT	
ROOM AS437			PAPER NUMBER	
LIBERTYVILLE, IL 60048-5343			3625	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,696	<b>Applicant(s)</b> PAULO ET AL.	
	<b>Examiner</b> William J. Allen	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/11/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 11, 35, 36, 38-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 35, 36, 38-40, and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Prosecution History***

Claims 1, 11, 35, 36, 38-40, and 42 are pending.

Claims 2-10, 12-34, 37, and 41 have been canceled.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/2006 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 11, 35, 36, 38-40, and 42 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan (US 2002/0077922).**

**Regarding claim 1, Srinivasan discloses:**

*receiving a request for the goods or services from a user by way of a device (see at least: [0012], [0029]; [0039]; [0086]; Fig. 2);*

*accessing a database having information relevant to said user and preferences related to said goods or services (see at least: [0039]; [0041]; [0087]);*

*forwarding an order for the goods or services to a provider of said goods or services, said order dependent on said information (see at least: [0039]; [0041]);*

*receiving a reply regarding said order from said provider (see at least: [0061]; [0064]; Fig. 7E, 7F and 8C);*

*formulating a response concerning said order and said reply, said response formulated based on capabilities of a display of said device (see at least: [0061]; [0063]-[0067]; Fig. 7E, 7F, 8B-8F). The Examiner notes that the responses are based on the*

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device's capability to display the necessary information (i.e. graphics, fields to be populated, etc.) to a user;

*sending said response to said device* (see at least: Fig. 7E, 7F, 8B-8F). The

Examiner notes that the information in the noted figures is transmitted to the user device.

**Regarding claim 11**, Srinivasan further discloses *wherein said step of receiving a request further includes receiving a request that is formulated based on the capabilities of said device* (see at least: [0012], [0029]; [0039]; [0086]; Fig. 2). The Examiner notes that the order request is submitted based on the device's ability to display, receive, and transmit the necessary order data.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 35, 36, 38-40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (US 2002/0077922) in view of PTO 892 Reference U (herein referred to as 892U).**

**Regarding claim 35, Srinivasan teaches:**

*receiving a request for the goods or services from a user by way of a device (see at least: [0012], [0029]; [0039]; [0086]; Fig. 2);*

*accessing a database having information relevant to said user and preferences related to said goods or services in response to receiving the request for the goods or services (see at least: [0039]; [0041]; [0087]);*

*forwarding an order for the goods or services to a said store, said order dependent on said information (see at least: [0039]; [0041]);*

*receiving a reply regarding said order from said store (see at least: [0061]; [0064]; Fig. 7E, 7F and 8C);*

*formulating a response concerning said order and said reply (see at least: [0061]; [0063]-[0067]; Fig. 7E, 7F, 8B-8F);*

*sending said response to said device* (see at least: Fig. 7E, 7F, 8B-8F). The Examiner notes that the information in the noted figures is transmitted to the user device.

Srinivasan teaches all of the above and further teaches suggesting a particular merchant based on the location of the user and the merchant (see at least: [0041]; [073]; Claim 9). Srinivasan, however, does not expressly teach *selecting a store associated with a provider of said goods or services based on an address associated with said user*. 892U teaches *selecting a store associated with a provider of said goods or services based on an address associated with said user*. The web service identifies the address of the user and provides results of the closest travel agencies to the address (see at least: Pages 1 and 2). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Srinivasan to have included *selecting a store associated with a provider of said goods or services based on an address associated with said user* as taught by 892U in order to allow a user to easily locate the closest manufacturer/service provider (see at least: Srinivasan, [0073]).

**Regarding claim 36**, Srinivasan further discloses where *receiving a request includes receiving said request from a mobile device* (see at least: [0086]).

**Regarding claim 38**, Srinivasan teaches all of the above as noted but does not teach *wherein the step of selecting said store based on an address associated with said user includes selecting said store based on a ZIP code plus four associated with said user*. 892U teaches *selecting said store based on a ZIP code plus four associated with said user* (see at least: Page 2). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Srinivasan to have included *selecting said store based on a ZIP code plus four associated with said user* as taught by 892U in order to allow a user to easily locate the closest manufacturer/service provider (see at least: Srinivasan, [0073]).

**Regarding claim 39**, Srinivasan further teaches *wherein said step of selecting said store includes selecting said store based on preferential business placement* (see at least: [0073]; [0081]).

**Regarding claim 40**, Srinivasan further teaches *forwarding information indicative of said store to said device* (see at least: [0081]).

**3. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (US 2002/0077922) in view of PTO 892 Reference U as applied to claim 35 above, and further in view of Tresser et al. (US 6,990,586, herein referred to as Tresser).**



**Regarding claim 42**, Srinivasan and 892U teach all of the above as noted and further teach *formulating an acknowledgement of said order and sending said response* (see at least: [0061]; [0063]-[0067]; Fig. 7E, 7F, 8B-8F). Srinivasan and 892U, however, do not teach sending acknowledgments using *one of short messaging service, an instant messaging service, and a wireless access protocol message*. Tresser teaches using *wireless access protocols* to facilitate sending of purchase information (see at least: col. 3, lines 22-32). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Srinivasan in view of 892U to have included using one of short messaging, instant messaging, or wireless access protocols as taught by Tresser in order to provide encryption/signature capabilities, thereby providing secure messaging (see at least: Tresser, col. 3, lines 22-32).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,101,483 to Petrovich discloses a personal shopping system portable terminal
- US 5,948,040 to DeLorme discloses a travel reservation information and planning system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Allen  
Patent Examiner  
February 9, 2006